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In re Application of ATTALI et al :
U.S. Application No.: 10/565,208 :
PCT Application No.: PCT/FR04/01853 :
Int. Filing Date: 15 July 2004 : DECISION
Priority Date Claimed: 23 July 2003 :
Attorney Docket No.: 017346-0190 :
For: METHOD OF LOCATING MOBILE
COMMUNICATING OBJECTS . . . :

This is in response to the correspondence filed 29 June 2006, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 15 July 2004, applicant filed international application PCT/FR04/01853, which claimed priority of an earlier France application filed 23 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 23 January 2006.

On 20 January 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 03 May 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 June 2006, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

The declaration states that joint inventor Isabelle Attali is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration fails to state the identity, citizenship, residence, and mailing address of the legal representative. Although it is apparent from the signatures that joint inventor Denis Caromel could be the legal representative of the deceased inventor, such cannot be assumed.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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